

REMARKS

Upon entry of the amendment claims 1- 18 and 20-33 remain in the application. Claim 19 has been cancelled. Claims 1, 9, 15, 16, 17, 18, 23, and 27 have been amended.

The Office Action of May 12, 2009 has been received and carefully considered. It is submitted that the present amendment addresses and overcomes the rejections and objections set forth therein. Reconsideration is respectfully requested.

Allowable subject matter

Claims 7-8, 12, 15-16, 30 and 32 are objected to but would be allowable if rewritten in independent form including the limitations of the base claims and any intervening claims.

Claim objections

Claim 19 has been cancelled by this action to address the claim objection raised. Claims 8, 18, and 27 have also been amended.

Claims 1-6, 9-10, 13-14, 17-20, 22-28, 31 and 33 rejected under Section 102(b) over Gross

Claim 1 has been amended to include limitations found in allowable claim 7. It is submitted that the Gross reference fails to teach or suggest an elongated structure for the transmission of fluid-based compositions at non-ambient temperatures in which the elongated temperature control conduit for the transmission of a temperature control fluid is flexible in which the temperature control conduit has a pair of generally opposing walls, a first wall radially outward relative to said first conduit, a second wall radially inward relative to said first conduit and a relatively rigid elongated reinforcement member positioned in one of the first and second walls. Claims 2-6 and 9-10 and 13-14 depend from claim 1 to contain all of the limitation found therein.

Claim 23 as amended is directed to a device in which the temperature control conduit and the fluid conveying conduit have fluid flows parallel to one another. The Gross reference lacks such as feature. Claims 24-28, 31 and 33 depend from claim 23 to contain the limitations found therein.

Claim 17 as amended is directed to specify that the device has a flexible fluid-tight wall, the flexible fluid tight wall having an internal channel and at least two opposed wall members, wherein one wall member having a convex outer surface and an opposed wall member having a concave outer surface. It is submitted that the Gross reference lacks any teaching or suggestion of the wall configuration defined therein. Claims 18 -20 depend from claim 17 to contain all of the limitations found therein.

Claims 17-20 and 22 rejected under Section 102(b) in view of either Doshi, Redding or Williams

The applicant's invention set forth in claim 17 is directed to an elongated conduit for the transmission of temperature control fluids, that includes a flexible fluid-tight wall that has an internal channel and at least two opposed wall members, wherein one wall member having a convex outer surface and an opposed wall member having a concave outer surface; and an axially and radially inwardly extending rib, said rib being more rigid than said wall. It is submitted that the Williams Redding and Doshi references lack any teaching or suggestion of the opposed wall members of the specified configuration. Claims 18-20 and 22 depend from claim 17 to contain the limitations found therein.

Claims 11 and 29 rejected under Section 103(b) over Gross

Claim 11 and 29 depend from claim 1 and 23 to contain all of the limitations found therein. Thus it is submitted that the applicant's invention as set forth in claim 11 or 29 is not taught, anticipated or rendered obvious for the reasons discussed previously in conjunction with claim 1 or 23. It is also noted that the Gross reference fails to teach or suggest the use of a sensor in the fluid transfer conduit so defined. In the Gross reference, the device is configured such that the heat transfer fluid is in direct contact with the device being temperature controlled with elastomeric form a seal with the surface to direct the fluid and, as such, requires a solid surface against which to seat. In contrast, the present device has a configuration in which the fluid is completely contained and the flexible wall surface presses against the surface of the device being controlled allowing flexible non-continuous surfaces to be controlled. It is further submitted that the neither the cited reference nor any reference presented teaches a device as

claimed with eh sensor so positioned. The Examiner has failed to provide a prima facie case of obviousness.

Claim 21 rejected under Section 103(a) as being unpatenable over Doshi, Redding or Williams

Claim 21 depends from claim 17 to contain all of the limitations found therein. It is submitted that the applicant's inventions as set forth in claim 21 is not taught, anticipated or rendered obvious for in for the reasons discussed previously in conjunction with claim 17.

The applicant also disputes the Examiner's contention that the shape of the conduit provides no new or unexpected results in view of the cited references. The Williams reference is directed to a non-steel coil tubing. The configuration disclosed in the present invention would destroy the intended function of the Williams device. Similarly, the Redding reference is directed to an acoustic array. It is submitted that the circular configuration of the array disclosed in Redding provides the acoustic silence required for optimal array function. The configuration of the present invention would increase noise and be undesirable for the function disclosed in Redding.

In summary, claims 1, 9, 15, 16, 17, 18, 23, and 27 have been amended by this action. Arguments have been presented as to why the applicant's invention as set forth in claims 1-18 and 20-33 is not taught, anticipated or rendered obvious by the cited references and is in a condition suitable for allowance. A notice of allowance is respectfully requested.

Respectfully submitted,

/Denise M. Glassmeyer/

Denise M. Glassmeyer
Attorney for Applicant(s)
Registration No. 31831
(248) 649-3333
(248) 649-3338 (fax)
glassmeyer@youngbasile.com

3001 West Big Beaver Road, Ste 624
Troy, Michigan 48084-3107
Dated: August 12, 2009
Enclosure
DMG/ljo